

09/30/03
16519 U.S. PTO

Attorney Docket: 056207.48275C5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

031109 U.S. PTO
10/673371
093003

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR § 1.53(b)

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b), of pending prior application:

Serial No. 10/390,660
Filed on March 19, 2003
Of Eisuke WAYAMA et al.
Entitled: THROTTLE APPARATUS FOR AN INTERNAL
COMBUSTION ENGINE
Examiner: T. Argenbright
Group: 3747

- X 1. Accompanying this order is a true copy of the prior application as originally filed.

Total pages: 50

- X 2. Formal drawings are being filed herewith consisting of 15 sheets, depicting Figures 1-18.

- X 3. Declaration and Power of Attorney:

a. Newly executed (original or copy)

b. X Copy from prior application

i. Deletion of Inventors - signed statement
attached deleting inventor(s) named in the prior
application

- X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

5. Cancel original claims ____.
6. Small entity status:
- a. Is still proper and desired.
- b. Is no longer claimed
- X 7. The filing fee is calculated below:

Claims as Filed, Including Any Claims
Cancelled or Added by Preliminary Amendment

Basic Fee							\$375/750	=	\$750.00
Total Claims	18	-	20	=	0	x	\$9/18	=	\$
Independent Claims	8	-	3	=	5	x	\$42/84	=	\$420.00
Multiple Dependent Claim Presented							\$140/280	=	\$
Total Filing Fee									\$1170.00

8. Please charge the deposit account of undersigned, No. 05-1323, in the amount of \$____ (Docket #____).
- X 9. A check in the amount of \$1170.00 to cover the filing fee is enclosed.
- X 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR § 1.16 or 37 CFR § 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #056207.48275C5).
- X 11. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 10/390,660, filed March 19, 2003; which is a continuation of application Serial No. 09/888,502, filed January 26, 2001; which is a continuation of Serial No. 09/413,546, filed October 6, 1999.--
- X 12. Priority of Appln. No. 10-284591, filed in Japan on October 6, 1998, is hereby claimed under 35 USC 119.
- X 13. A certified copy of each said priority document was filed in application Serial No. 09/413,546 on November 20, 2000.
- X 14. The prior application is assigned of record to Hitachi, Ltd. and Hitachi Car Engineering Co., Ltd.
- X 15. The power of attorney in the prior application is to:
- Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- X a. The power appears in the original application papers in the prior application.
- b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:

CROWELL & MORING, L.L.P.
P.O. Box 14300
Washington, DC 20044-4300

- X 16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- X 17. A Preliminary Amendment is being filed herewith.
- X 18. Return Receipt Postcard.

Respectfully submitted,

September 30, 2003



James F. McKeown
Registration No. 25,406

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JFM/acd